

IC 13-17-2

Chapter 2. Establishment of Air Pollution Control Board

IC 13-17-2-1

Establishment

Sec. 1. The air pollution control board is established.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-2

Members; appointment

Sec. 2. The board consists of the following twelve (12) members:

(1) The following ex officio members:

(A) The commissioner of the state department of health.

(B) The director of the department of natural resources.

(C) The lieutenant governor.

(D) The secretary of commerce or the secretary's designee.

(2) The following eight (8) members, who shall be appointed by the governor based on recommendations from representative constituencies:

(A) One (1) representative of agriculture.

(B) One (1) representative of manufacturing employed by an entity that has applied for or received a Title V operating permit.

(C) One (1) representative of environmental interests.

(D) One (1) representative of labor.

(E) One (1) representative of local government.

(F) One (1) health professional who holds a license to practice in Indiana.

(G) One (1) representative of small business.

(H) One (1) representative of the general public, who cannot qualify to sit on the board under any of the other clauses in this subdivision.

An individual appointed under this subdivision must possess knowledge, experience, or education qualifying the individual to represent the entity the individual is being recommended to represent.

As added by P.L.1-1996, SEC.7. Amended by P.L.90-1998, SEC.17; P.L.4-2005, SEC.119.

IC 13-17-2-3

Members; political party affiliation

Sec. 3. Not more than four (4) of the appointed members of the board may be members of the same political party.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-4

Members; requirements

Sec. 4. The board must have at least a majority of members who:

(1) represent the public interest; and

(2) do not derive any significant part of their income from

persons subject to permits or enforcement orders under the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

As added by P.L.1-1996, SEC.7.

IC 13-17-2-5

Conflicts of interest

Sec. 5. Each board member shall fully disclose any potential conflicts of interest relating to permits or enforcement orders under the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

As added by P.L.1-1996, SEC.7.

IC 13-17-2-6

Members; technical representative as voting member

Sec. 6. An ex officio member of the board may designate in writing a technical representative to serve as a voting member of the board when the ex officio member is unable to attend a board meeting.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-7

Members; terms; vacancies; removal

Sec. 7. (a) The term of an appointed member of the board is four (4) years.

(b) The term of each member of the board continues until a successor has been appointed and qualified.

(c) If a vacancy occurs in the appointed membership of the board, the governor shall appoint a member not later than sixty (60) days after the vacancy occurs for the remainder of the unexpired term created by the vacancy. The board shall suspend the exercise of the board's duties under the air pollution control laws if the vacancy has not been filled not later than sixty (60) days after the vacancy occurs.

(d) The governor may remove an appointed member of the board for cause. Cause includes the failure to attend at least two (2) board meetings within a one (1) year period.

(e) The board may not adopt a final rule under IC 13-14-8 until all members of the board have been appointed.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-8

Members; compensation

Sec. 8. (a) The ex officio members of the board serve without additional compensation.

(b) Each appointed member of the board is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection

with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) The per diem and mileage are valid claims against the department.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-9

Meetings

Sec. 9. (a) The board shall hold at least six (6) regular meetings each year at a place and time to be fixed by the board.

(b) Special meetings of the board may be called by:

(1) the chairman; or

(2) three (3) members of the board;

by delivery of written notice to each member of the board.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-10

Quorum

Sec. 10. Seven (7) members of the board, four (4) of whom must be appointed members of the board, constitute a quorum.

As added by P.L.1-1996, SEC.7. Amended by P.L.4-2005, SEC.120.

IC 13-17-2-11

Officers

Sec. 11. The governor shall annually select:

(1) one (1) of the eight (8) appointed members of the board to serve as chairman; and

(2) another of the appointed members of the board to serve as vice chairman.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-12

Technical secretary

Sec. 12. (a) The board shall select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as technical secretary of the board.

(b) During the interim between meetings of the board, the department shall do the following:

(1) Handle correspondence.

(2) Make or arrange for investigations and surveys.

(3) Obtain, assemble, or prepare reports and data as directed by the board.

(c) The technical secretary shall review all materials prepared for the board by the department to make any necessary revisions. Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the technical secretary. The technical secretary is not a voting member of the board.

As added by P.L.1-1996, SEC.7.

IC 13-17-2-13

Legal counsel

Sec. 13. (a) The board may select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as legal counsel. The legal counsel shall do the following:

(1) Advise the board on legal matters or proceedings arising from the exercise of the board's duties.

(2) Review all materials prepared for the board by the department for legal accuracy and sufficiency and direct the department to make any necessary revisions.

(b) Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the legal counsel. The legal counsel is not a voting member of the board.

As added by P.L.1-1996, SEC.7.